

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jeanne Manning, as Personal Representative of) Civil Action No. 3:15-2658-MGL
 the Estate of Letitia Johnson, deceased,)
)
 Plaintiff,)
)
 v.) **ORDER**
)
 City of Columbia and City of Columbia Police)
 Department,)
)
 Defendants.)

ORDER

This matter is before the Court on the Report and Recommendation, (“the Report”), (ECF No. 22), of United States Magistrate Judge Shiva V. Hodges filed on November 2, 2015. In the Report, the Magistrate Judge recommends that this action be dismissed *with prejudice* based upon Plaintiff’s failure to show standing to bring this action and the Court’s resulting lack of subject matter jurisdiction. Objections to the Report were due by November 19, 2015. Plaintiff did not file any objections to the Report, and the matter is now ripe for review by this Court.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). In the absence of a timely filed Objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310,

315 (4th Cir. 2005).

Applying the above standards to the instant matter, the Court has carefully reviewed the record, applicable law, and the Magistrate Judge's Report, (ECF No. 22), and finding no clear error in the Report, the Court adopts and incorporates it by reference. Accordingly, this action is hereby **DISMISSED** *with prejudice* based upon Plaintiff's failure to show standing and the Court's resulting lack of subject matter jurisdiction.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

November 24, 2015
Columbia, South Carolina